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LAND USE PLANNING COMMISSION
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AUGUSTA, MAINE 04333-0022

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

October 22, 2012

Dear Interested Parties,

The Maine Land Use Planning Commission (Commission) is embarking on a community guided planning and zoning effort to proactively plan for land uses in Maine's unorganized and deorganized townships. The Commission has determined that the best way to approach this large-scale effort is region by region through a primarily locally-driven and broad based planning process.

We acknowledge that the scale of this effort will require a phased approach in order to cover the entire 10.4 million acres in the Commission's jurisdiction. In order to help the Commission identify a region or regions to begin this work, we are requesting **Letters of Interest** from potential regional participants such as county governments, regional organizations, or other interested individuals or organizations who want to actively participate in a community guided planning and zoning process. The request for Letters of Interest is attached and provides additional background information as well as the requirements and suggested content for submitted letters.

The Commission will consider all submitted Letters of Interest and may request additional information during the selection process. The Commission's identification of a region or regions will be based on the information included in any Letter of Interest, other information available to the Commission, and resources available to the Commission to support each effort. We encourage all submitters to talk with others in your region and coordinate your submissions to the extent possible.

Once a region has been initially selected, the Commission has secured funding for a series of local workshops to help determine overall regional interest and, if interest is confirmed, further develop a framework for the community guided planning and zoning process. If more than one region is selected, separate workshops will be held to ensure that each region's process meets its unique needs. Our goal with this approach is to foster the best possible chance for a successful outcome regardless of how the process evolves within a region. Ultimately, a successful outcome would result in zoning that best meets local goals while in keeping with the Commission's statutory purpose and guiding principles.

We are requesting that Letters of Interest be submitted by **Friday, December 14, 2012** and anticipate that the Commission will make a selection in early January. We encourage you to contact Commission staff if you have any questions or plan to submit a Letter of Interest.

Sincerely,

Gwen Hilton, Chair
Maine Land Use Planning Commission

Maine Land Use Planning Commission

COMMUNITY-GUIDED PLANNING AND ZONING for REGIONS WITHIN MAINE'S UNORGANIZED TERRITORIES

REQUEST FOR LETTERS OF INTEREST

Recent efforts to improve the effectiveness of managing land use in the unorganized and deorganized areas of Maine have focused in part on the need for more prospective or proactive planning for these areas, particularly in identifying areas for development. In its early years, the major focus of the Land Use Planning Commission (formerly the Land Use Regulation Commission) was resource zoning and the identification and protection of the significant natural resources in the jurisdiction. Development subdistricts were identified as part of the initial zoning efforts, and were limited primarily to areas including or near existing development.

The Commission has long recognized that its mostly reactive approach of case by case rezoning for development is not workable over the long-term, and a more proactive plan for development within the jurisdiction has been needed. The 125th legislature passed *An Act To Reform Land Use Planning in the Unorganized Territory* (LD 1798) which, among other things, contained a directive for the Land Use Planning Commission (the LUPC or Commission) to initiate prospective zoning in the unorganized areas of the state, allocate staff time to undertake prospective zoning, coordinate prospective zoning with local and regional planning efforts, and report to the legislature in January 2013 on where prospective zoning has begun and a timeline for completion.

In order to achieve this, the LUPC is seeking Letters of Interest from county governments, regional organizations, residents, property owners, and other interested parties to participate in a community-guided planning and zoning effort. A letter may be submitted by an individual or individual entity desiring to participate or by a group of interested parties working collaboratively. The Commission intends to undertake this planning initiative on a region-by-region basis within the LUPC jurisdiction (as described further in the appendix). The Commission anticipates working closely with the selected region(s) to develop the process and parameters for the community-guided planning and zoning effort.

REQUIRED & SUGGESTED SUBMISSIONS

The Letter of Interest is required to include:

1. Name of the individual or entity submitting the Letter of Interest along with contact information (phone, e-mail and mailing address) for a primary contact person.
2. A description of the proposed region (preferably with a map depicting the proposed region), and a rationale for why the region as defined makes sense for a community-guided planning and zoning effort; and
3. A statement summarizing the submitting person's or entity's interest in the jurisdiction and desired level of involvement. If the submitter is a professional planner or representing an organization, include a summary of any experience in regional or community planning, land use planning, economic development, resource

management, or other similar or related experience, a brief description of staff qualifications, and any examples of planning efforts they have lead or participated in and products or outcomes from those efforts.

The Commission suggests that, if possible, submitting parties include in the Letter of Interest the following¹:

4. An outline of the submitter's ideas for participation by others with an interest in the region;
5. A description of the financial or technical resources the region has available or is interested in pursuing during the process, including an estimate of any staff resources that will be committed to a community-guided planning and zoning effort;
6. A summary of any current or recent (within 10 years) planning, economic development, or conservation efforts encompassing the proposed region, or substantial portions of the proposed region and a statement regarding how a community-guided planning and zoning process can build upon work to date.

Please refer to the attached appendix for other key considerations for the community guided planning and zoning process. Commission staff encourages questions regarding this Request and upon request will provide some preliminary data and mapping to assist in developing a proposal.

SELECTION PROCESS

The Commission will consider all submitted Letters of Interest, however, identification of a region or regions to participate in and help lead a community-guided planning and zoning effort will be at the discretion of the Commission. The Commission anticipates working with interested parties as part of the selection process. The Commission's identification of a region or regions will be based on the information included in any Letter of Interest, other information available to the Commission, and resources available to the Commission to support each effort. The Commission may request additional information.

SUBMISSION INFORMATION

The Commission looks forward to receiving and reviewing Letters of Interest and is excited about the potential of this community guided planning and zoning effort. Please submit your Letter of Interest to the Land Use Planning Commission by **5:00 PM on December 14, 2012**. Direct any questions and your submission to:

Hugh Coxe, Senior Planner
Maine Land Use Planning Commission
22 State House Station, Augusta, ME 04333-0022
Email: hugh.coxe@maine.gov
Telephone: (207) 287-2662
TTY (hearing impaired): (888) 577-6690

¹ Where the submitting party is providing a Letter of Interest in partnership with one or more other submitting parties, the parties are encouraged to coordinate their submissions to avoid duplicating efforts or unnecessarily providing duplicate suggested submission materials.

APPENDIX

KEY CONSIDERATIONS

The Commission believes the following considerations are important to address in a Community Guided Planning and Zoning process. Respondents to the Request for Letters of Interest are therefore urged to review these considerations prior to submitting their letter.

Overarching Principles

The Commission has adopted the following principles to guide any community-guided planning and zoning effort:

1. The process must be locally desired and driven;
2. The process must allow for broad participation by all with an interest in the region;
3. The resulting zoning must address property owner equity through consideration of the distribution of development subdistricts both geographically and across large land holdings within a single ownership;
4. Taken together, all community-guided planning and zoning efforts must balance regional uniqueness with jurisdiction-wide consistency in regulatory structure and predictability for property owners; and
5. Any plan and zoning proposed must be consistent with the LUPC's statutory purpose and scope and rezoning criteria².

Participation

A successful community-guided planning and zoning effort will provide opportunities for a broad spectrum of residents, property owners, and interested parties to participate, as well as allow for respectful consideration of divergent views.

The Commission will encourage a coordinated effort involving multiple organizations and interests and believes the minimum participants for a valid process are:

- Property owners – residents, individuals, families, seasonal owners, lessees, trusts, corporate owners
- County commissioners and officials
- Regional planning and economic development organizations
- Neighboring organized towns and service centers
- Service providers (road owners, solid waste disposal, emergency services, utility)
- LUPC (see *Commission Involvement and Review* below)

Other interests should also be allowed to weigh in, including but not limited to:

- State agencies (DACF, MaineDOT, IF&W, DECD)
- Chambers of Commerce
- Environmental organizations

² 12 M.R.S. §§ 685-A(8-A). Criteria for adoption or amendment of land use district boundaries.

- Citizens from other locations in Maine
- Industry organizations

Suggested submission: When applicable, Letters of Interest should include a list of any other anticipated participants with whom the submitting party is working, or is planning to work, to develop the proposed region's process. Submitting parties are also encouraged to indicate other likely stakeholder groups.

Defining a Region

The Commission anticipates that regions will be based on factors relevant to a particular geography such as:

- County boundaries
- Township boundaries (a region should not divide a township)
- Transportation corridors
- Labor market areas
- Economic development district boundaries
- Regional planning organization boundaries
- Natural features such as mountain ranges, a lake or group of lakes, a river corridor or other watershed area, a 'wood basket' or forest complex, significant areas of prime farmland, or other elements of the landscape that suggest geographically distinct regions.
- Other characteristics that residents and property owners believe define their region

Required submission: The Letters of Interest should include a description of the intended region, and a rationale for why the region as defined makes sense for a community-guided planning and zoning effort.

Suggested submission: Submitting parties should, to the extent they are able, include a summary of how the proposed region takes into consideration the regional configurations identified above. Where applicable, this may include a summary of any current or recent regional planning, economic development, or conservation efforts and suggestions regarding how a community-guided planning and zoning process can build upon that work.

Guiding Criteria

The LUPC statute (12 M.R.S. §§ 681-689)³, Chapter 10 of the Commission's rules⁴, and the Comprehensive Land Use Plan⁵ provide the statutory, regulatory and policy framework for the Commission's prospective zoning efforts.

³ [LUPC statute](http://www.maine.gov/doc/lupc/reference/statute.html) - <http://www.maine.gov/doc/lupc/reference/statute.html>

⁴ [Chapter 10: Land Use Districts and Standards](http://www.maine.gov/doc/lupc/reference/ch10.html) - <http://www.maine.gov/doc/lupc/reference/ch10.html>

⁵ [LUPC Comprehensive Land Use Plan](http://www.maine.gov/doc/lupc/reference/clup.html) - <http://www.maine.gov/doc/lupc/reference/clup.html>

Community-guided planning and zoning efforts should be developed in a manner compatible with this framework, unless the region and the Commission determine that a non-traditional regulatory approach is a better option. The current LUPC regulatory framework includes a range of development, management, and protection subdistricts and specifies uses allowed in each subdistrict. Standards for specific types of uses also have been adopted. Examples of non-traditional approaches might include performance-based regulations or a significant departure from the types of subdistricts currently in place.

Planning Products

The Commission anticipates accepting any one of the following products from a community-guided planning and zoning effort:

- A plan document including a future land use map with sufficient data analysis and public input to support proposed subdistricts (could introduce new subdistricts)
- Marked up zoning maps showing proposed subdistrict boundaries (based on current LUPC subdistricts)
- Both a plan and marked up zoning maps (could introduce new subdistricts)

Commission Involvement and Review

Because the Commission ultimately will have to adopt changes to its rules to implement specific recommendations from a region, it is important that there is steady communication between the region and the Commission, and sufficient opportunity for Commissioners to comment on and provide feedback for ideas and proposals drafted as part of each community-guided planning and zoning effort. The minimum level of Commission and staff involvement in the planning process likely will include:

- Commissioner/staff attendance at some project planning meetings
- Commissioner/staff attendance at some public meetings
- Staff assistance to region as determined by interest of region for assistance and availability of resources
- Commission review and approval of preliminary plan components
- Commission review and approval of conceptual ideas if there is a significant departure from the current regulatory framework

The Commission will need to base its decision to adopt changes to its zoning maps to implement specific rezoning recommendations on its statutory criteria for adoption or amendment of land use district boundaries (12 M.R.S. §§ 685-A(8-A)). Those criteria include 1) that the rezoning is consistent with the standards for land use boundaries, the comprehensive land use plan, and the purpose, intent and provisions of the Commission's statute, and 2) that the proposed rezoning has no undue adverse impact on existing uses or resources. The Commission will base its decision to adopt any changes to its land use standards on its statutory criteria for amendment of land use standards (12 M.R.S. §§ 685-A(8-B)), which requires that the proposed standards serve the purpose, intent and provisions of the Commission's statute and that it be consistent with the comprehensive land use plan.

Funding and Resources

The Commission does not have direct financial resources to offer regions at this time. LUPC staff will be assigned to each region undertaking community-guided planning and zoning and can provide technical assistance or help with coordination. In addition, staff from various divisions within the Department Agriculture, Conservation and Forestry can provide a variety of data and mapping services for each region.

The Commission is willing to partner with regions to seek public or private funding for a community-guided planning and zoning effort. Such funding might help cover meeting expenses, public outreach efforts, staff costs, or professional assistance in securing data, developing maps, developing a plan, or facilitation services.

Suggested submission: A submission should include, if such information is available, a summary of any financial or technical assistance resources the region has available or is interested in pursuing during the process. If the submitter is an organization, an estimate of any staff resources that would be committed to the proposed community-guided planning and zoning effort should be included.